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7 Attorneys for Respondent,  
D'Arrigo Bros. Co. of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE COURTHOUSE

12 U.S. EQUAL EMPLOYMENT  
13 OPPORTUNITY COMMISSION,  
Applicant,

14 V.  
15 D'ARRIGO BROS. CO., OF CALIFORNIA,  
16 Respondent.

Case No.: CV 14 80266 MISC BLF PSG

**STIPULATION AND ORDER TO  
RECALENDAR HEARING ON EEOC'S  
APPLICATION TO ENFORCE  
ADMINISTRATIVE SUBPOENA AND  
TO SET HEARING ON  
RESPONDENT'S MOTION TO  
QUASH OR MODIFY  
ADMINISTRATIVE SUBPOENAS**

1 It is HEREBY STIPULATED by and between the parties through their respective counsel  
2 of record, as follows:

- 23       1. Applicant, Equal Opportunity Employment Commission ("EEOC") filed with this Court  
24                  a Certificate of Service indicating that on September 23, 2014 it had served Respondent,  
25                  D'Arrigo Bros. Co. of California ("Respondent") by mail to its designated agent for  
26                  service of process and to its counsel, Cook Brown, LLP, with a Notice of Hearing  
27                  advising that a hearing on the EEOC's Application for Enforcement of Administrative  
28                  Subpoena would be held on October 28, 2014 at 10:00 a.m., in Courtroom 5 of the United

**STIPULATION TO RECALENDAR HEARING ON EEOC APPLICATION FOR ENFORCEMENT  
(CV 14 80266 MISC BLF PSG)**

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**Filed by Fax**

1 States District Court, Northern District of California, San Jose Courthouse. Neither  
2 Respondent's designated agent for service of process nor its counsel ever received said  
3 Notice of Hearing.

- 4 2. On October 8, 2014, counsel for Respondent inadvertently learned of the October 28,  
5 2014 hearing date when counsel contacted the Court Clerk with respect to Respondent's  
6 prospective filing of a Motion to Quash or Modify Administrative Subpoenas.  
7 3. On October 9, 2014, counsel for Respondent contacted counsel for the EEOC and  
8 advised counsel for the EEOC that neither Respondent's designated agent for service of  
9 process nor Respondent's counsel had received the Notice of Hearing. Counsel for the  
10 EEOC agreed to provide the Notice of Hearing to counsel for Respondent via electronic  
11 mail.  
12 4. On October 9, 2014, counsel for Respondent advised counsel for the EEOC that  
13 Respondent would be filing a Motion to Quash or Modify Administrative Subpoenas in  
14 this matter and intended to set said Motion for hearing on December 2, 2014.  
15 5. Due to the lack of timely Notice to Respondent and its counsel of the October 28, 2014  
16 hearing date on the EEOC's Application, it is agreed that the October 28, 2014 hearing  
17 on EEOC's Application to Enforce Administrative Subpoena is vacated and shall be  
18 recalendared, to be heard concurrently with Respondent's Motion to Quash or Modify  
19 Subpoenas.  
20 6. Respondent's Motion to Quash or Modify Administrative Subpoenas and the EEOC's  
21 Application to Enforce Administrative Subpoena shall be heard concurrently on  
22 December 2, 2014 at 10:00 a.m. in Courtroom 5 of the United States District Court,  
23 Northern District of California, San Jose Courthouse.  
24 7. Respondent shall file and serve its Motion to Quash or Modify Administrative  
25 Subpoenas in accordance with applicable Local Rules.

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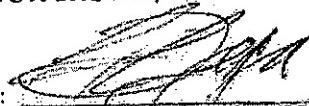
STIPULATION TO RECALENDAR HEARING ON EEOC APPLICATION FOR ENFORCEMENT  
(CV 14 80266 MISC BLF PSG)

1           8. Respondent shall have until October 24, 2014 to file its Response and Opposition to the  
2           EEOC's Application to Enforce Administrative Subpoena.

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4           **IT IS SO STIPULATED.**

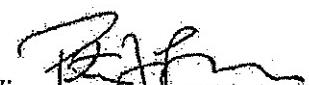
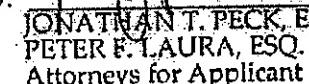
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6           DATED: October 9 2014

COOK BROWN, LLP

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8             
By: GEOFFREY R. GEGA, ESQ.  
9           Attorneys for Respondent  
10           D'ARRIGO BROS. CO., OF CALIFORNIA

11  
12           DATED: October 1, 2014

U.S. EQUAL EMPLOYMENT OPPORTUNITY  
13           COMMISSION

14  
15             
By: JONATHAN T. PECK, ESQ.  
16             
Peter F. LAURA, ESQ.  
17           Attorneys for Applicant

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20           **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21  
22           DATED: October 14, 2014

  
23           HON. PAUL S. GREWAL  
24           United States District Court  
25           Magistrate Judge

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28           **STIPULATION TO RECALENDAR HEARING ON EEOC APPLICATION FOR ENFORCEMENT**  
(CV 14 80266 MISC BLF PSC)